IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO.468 OF 2006

Manjit Singh Sethi & Anr. .. Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri.Mahesh Jethmalani, Sr.Advocate i/b.S.N.Raj with A.P.Mundargi for the applicant.

Shri.S.R.Borulkar, P.P.with Shri.S.S.Pednekar, A.P.P. for the State.

Shri.S.R.Pandey, for the original complainant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 8TH DECEMBER, 2006

P.C.:

1) This Application impugnes orders of the Court below refusing Transfer of Sessions Case No.275 of 1998 and Examination of Defence witness. The learned senior counsel raised several contentions which are replied by the learned P.P.

2) After this application was argued for sometime, the learned Senior Counsel appearing for the applicants and Shri.Borulkar, P.P. have agreed to the following order being passed : -

. a) The applicants do not press for transfer of the Sessions Case No.275 of 1998.

. b) The learned Sessions Judge shall allow the defence witnesses to step into the witness box provided they appear before the learned Sessions Judge on 18th December, 2006. The learned Sessions Judge shall also allow the applicants to argue their application for recalling the complainant provided the applicants make an application in that behalf on or before 15th December, 2006 with copies to the learned P.P. appearing in the Sessions Court. If such an application is filed before 15th December, 2006, the learned Judge to decide the said application and thereafter permit the defence witnesses to step into the witness box. In the event, the said application is not allowed still the defence witnesses shall be permitted to be examined.

. c) Both sides agree that till the above course is permitted, the learned Judge not to deliver the final order/judgement in the above sessions case.

3) Both sides agree to cooperate in the expeditious disposal of the above sessions case. The learned Judge to endeavour and dispose of the sessions case by 31st January, 2007. All contentions of both sides on the merits are expressly kept open and it is clarified that this Court has not expressed any opinion on the same. The learned senior advocate Shri.Jethmalani states that the defence wishes to examine apart from the two accused two more witnesses. In such circumstances, it is directed that the learned Judge should permit examination of four defence witnesses.

(S.C.Dharmadhikari, J.)